

EXHIBIT C

Taustine, Melissa

From: Breed, Maxwell <MBreed@pryorcashman.com>
Sent: Tuesday, June 3, 2025 6:29 PM
To: Bender, Kristin; Pohlman, Daniel J.; Roeser, Stephanie
Cc: Kevin A. Fritz; Dougherty, Megan; Taustine, Melissa; Adams-Jack, Autumn; Connolly, Michaela
Subject: RE: Subpoenas

*** EXTERNAL EMAIL ***

Thank you, Kristin.

We've looked at our responses and objections as well, and can confirm that each specific response did, in fact, reference the stated time-period as part of the request's facial objectionability. That's in addition to the multitude of overbreadth objections (among others), of course. To the extent that our time-period objections were not clear (they must be, otherwise you wouldn't have identified that gating issue), we now so clarify. But we do not anticipate any disagreement here: we will agree to search from July 1, 2024 through December 21, 2024—the first date being, as our clients confirm, well before their earliest involvement in these matters on or about August 1, 2024, and the second being the date of filing of Ms. Lively's California petition that we understand is the agreed discovery end date in the related action.

We also see no reasoned basis that you would agree to exclude from review direct communications between our clients and party litigants, but would demand that we review group communications containing those same party litigants. In suggesting that we undertake this review, you seek to shift a burden properly borne by the parties to this litigation to nonparty witnesses. We will not agree to review and produce any communication by or between our clients and any of the excluded individuals.

Nor can we agree to any production deadline in the abstract. We do not yet know the volume of communications to review. We therefore cannot meaningfully assess the burden you propose to place on our nonparty witness clients or the feasibility of your latest ultimatum date.

In closing, we trust that all this can be committed to a comprehensive agreement, so that we can schedule the vendor call in the coming days and then collect, review, and produce. We needn't, any of us, play at saber-rattling. That just makes for even more needless difficulty and expense. As we trust you realize, the patchwork web of limitations and corrections you have suggested to date underscores and acknowledges the improper nature of your requests as propounded. We've diligently worked with you to resolve those improprieties since our timely responses and objections. We again look forward to your positive response and to concluding this collaborative effort with your and our clients' rights appropriately safeguarded. We thank you again.

Best regards,

MAXWELL BREED

Partner

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 Please consider the environment before printing this email.

From: Bender, Kristin <KBender@willkie.com>

Sent: Tuesday, June 3, 2025 2:33 PM

To: Breed, Maxwell <MBreed@pryorcashman.com>; Pohlman, Daniel J. <dpohlman@pryorcashman.com>; Roeser, Stephanie <SRoeser@manatt.com>

Cc: Kevin A. Fritz <kaf@msf-law.com>; Dougherty, Megan <MDougherty@pryorcashman.com>; Taustine, Melissa <MTaustine@willkie.com>; Adams-Jack, Autumn <AAdams-Jack@willkie.com>; Connolly, Michaela <MConnolly@willkie.com>

Subject: RE: Subpoenas

Thanks, Max.

We appreciate your email. Since our call, we have confirmed that your clients did not object to the time period in their responses and objections, meaning that this poses no gating issue to collection. We also do not understand the asserted gating issue as to the group texts, as the requests have not been modified to exclude that content, and in any event this would only conceivably be a gating issue to production rather than collection.

If there is not agreement to the requests as modified—including the date range accounted for in your clients' responses and as to the subpoenas requests as modified (as discussed and addressed extensively on this chain), please advise us this week. On our last call, we had offered to set up a conference on Tuesday to understand whether your clients agree to the proposal in light of the clarifications on last week's call, but we did not hear back on availability for Tuesday. Therefore, we are happy to take your position by email on whether there is an agreement on the terms discussed, and then the parties can mutually decide if a conference would be productive. If you wish to have a call, we expect that it take place this week, and we will adjust our travel schedules to accommodate and understand that only a subset of counsel may be available to join.

On this timeline, and assuming there is agreement to move forward, we propose that collections take place next week, and we are willing to offer a date for compliance of June 20, a three-month extension on the initial compliance date.

We, of course, appreciate your continued cooperation and professionalism.

Best,
Kristin

Kristin Bender

Willkie Farr & Gallagher LLP

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From: Breed, Maxwell <MBreed@pryorcashman.com>

Sent: Monday, June 2, 2025 12:32 PM

To: Bender, Kristin <KBender@willkie.com>; Pohlman, Daniel J. <dpohlman@pryorcashman.com>; Roeser, Stephanie <SRoeser@manatt.com>

Cc: Kevin A. Fritz <kaf@msf-law.com>; Dougherty, Megan <MDougherty@pryorcashman.com>; Taustine, Melissa <MTaustine@willkie.com>; Adams-Jack, Autumn <AAdams-Jack@willkie.com>; Connolly, Michaela <MConnolly@willkie.com>

Subject: RE: Subpoenas

*** EXTERNAL EMAIL ***

Dear Kristin:

We thank you for your email and your courtesy and professionalism in this process. You're correct that we've conducted multiple meet-and-confers since our timely responses to the subpoenas—that being a function of the acknowledged objectionability of the subpoenas, as served. These things take time sometimes, especially with multiple firms and schedules involved. Not surprisingly, then, there have been multiple gaps (e.g. March 25 to April 3 and May 8 to May 20) when we've been waiting for your side to proceed. We will continue to proceed with patience and courtesy, and we hope the same from your camp.

We do generally agree with the process described below and, to that end, we conducted one custodial interview on Friday and will conduct the other tomorrow, with an eyeline toward having another call with you this week as we had discussed and agreed during Thursday's call. In fact, that call must precede any vendor call so that we have accord on the two gating issues that you yourself identified (collection time period and certain group texts). We politely suggest that—rather than making threats, demands, and ultimatums based on another revisionist account of this cooperative process—we schedule that planned call, reach accord on those last issues, and then commence the search and collection process with vendor on-boarding. We trust you will agree and look forward to your positive response, with no further need for insinuation of delays or lack of cooperation. We thank you again, reserving all rights, just as you.

Best regards,

MAXWELL BREED

Partner

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mbreed@pryorcashman.com

Direct Tel: 212-326-0113

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 Please consider the environment before printing this email.

From: Bender, Kristin <KBender@willkie.com>

Sent: Friday, May 30, 2025 4:59 PM

To: Pohlman, Daniel J. <dpohlman@pryorcashman.com>; Roeser, Stephanie <SRoeser@manatt.com>

Cc: Kevin A. Fritz <kaf@msf-law.com>; Breed, Maxwell <MBreed@pryorcashman.com>; Dougherty, Megan <MDougherty@pryorcashman.com>; Taustine, Melissa <MTaustine@willkie.com>; Adams-Jack, Autumn <AAdams-Jack@willkie.com>; Connolly, Michaela <MConnolly@willkie.com>

Subject: RE: Subpoenas

Dan, all,

Thank you for the call yesterday. We are awaiting for you to confirm that the plan we proposed below, and discussed further yesterday afternoon, is acceptable to your clients. Specifically, as discussed and addressed on this email chain, we are contemplating a process by which you take each of the following steps:

1. Conduct custodial interviews of your clients to determine what devices and applications your clients used to communicate about topics responsive to the Requests

2. Conduct full forensic collections of devices and applications identified as likely to contain relevant information through a vendor paid for by Ms. Lively
3. Apply search terms and review, as well as conduct appropriate manual review for the collected documents
 - a. As discussed, for the avoidance of doubt, the Requests as modified still seek documents or communications involving individuals who have now been excluded from the modified Requests where such documents or communications are otherwise responsive in connection to any other Request (e.g., group text chains or emails involving these individuals with Melissa Nathan).

Given that over two months have passed since the initial date of compliance for the Subpoenas, that we have engaged in at least four telephonic meet and confers since that time, and that your clients are known to have highly relevant documents to this litigation, we must insist that this process be conducted without further delay. By **no later than Thursday, June 5**, please confirm (1) whether your clients agree to the above process, and (2) that you have completed the custodial interviews. To streamline this process and prevent further delay, please also provide **by Monday, June 2**, your availability for a call with the vendor to take place next week.

If these actions have not been completed and confirmed by June 5, we will need to move ahead to compel production of documents under the Subpoenas that were served months ago. All rights reserved.

Best,
KB

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From: Bender, Kristin <KBender@willkie.com>
Sent: Wednesday, May 28, 2025 5:08 PM
To: Pohlman, Daniel J. <dpohlman@pryorcashman.com>; Roeser, Stephanie <SRoeser@manatt.com>
Cc: Kevin A. Fritz <kaf@msf-law.com>; Breed, Maxwell <MBreed@pryorcashman.com>; Dougherty, Megan <MDougherty@pryorcashman.com>; Taustine, Melissa <MTaustine@willkie.com>; Adams-Jack, Autumn <AAdams-Jack@willkie.com>; Connolly, Michaela <MConnolly@willkie.com>
Subject: RE: Subpoenas

Thanks, Dan. Let's please do noon tomorrow. We can send an invite.

Best,
KB

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kbender@willkie.com | [vCard](#) | [www.willkie.com bio](http://www.willkie.com/bio)

From: Pohlman, Daniel J. <dpohlman@pryorcashman.com>
Sent: Wednesday, May 28, 2025 4:08 PM
To: Bender, Kristin <KBender@willkie.com>; Roeser, Stephanie <SRoeser@manatt.com>
Cc: Kevin A. Fritz <kaf@msf-law.com>; Breed, Maxwell <MBreed@pryorcashman.com>; Dougherty, Megan

<MDougherty@pryorcashman.com>; Taustine, Melissa <MTaustine@willkie.com>; Adams-Jack, Autumn <AAdams-Jack@willkie.com>; Connolly, Michaela <MConnolly@willkie.com>

Subject: RE: Subpoenas

*** EXTERNAL EMAIL ***

Hi Kristin,

We are available tomorrow between noon and 2:30 p.m. Eastern, or after 4:00 p.m. Eastern. Is there a time in those windows that would work for you?

Best,
Dan

—
Daniel J. Pohlman / PRYOR CASHMAN LLP / 212.326.0823

From: Bender, Kristin <KBender@willkie.com>

Sent: Tuesday, May 27, 2025 6:10 PM

To: Pohlman, Daniel J. <dpohlman@pryorcashman.com>; Roeser, Stephanie <SRoeser@manatt.com>

Cc: Kevin A. Fritz <kaf@msf-law.com>; Breed, Maxwell <MBreed@pryorcashman.com>; Dougherty, Megan <MDougherty@pryorcashman.com>; Taustine, Melissa <MTaustine@willkie.com>; Adams-Jack, Autumn <AAdams-Jack@willkie.com>; Connolly, Michaela <MConnolly@willkie.com>

Subject: RE: Subpoenas

Thanks, Dan. What windows work for you all on Thursday and Friday?

Best,
KB

Kristin Bender

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From: Pohlman, Daniel J. <dpohlman@pryorcashman.com>

Sent: Tuesday, May 27, 2025 5:07 PM

To: Bender, Kristin <KBender@willkie.com>; Roeser, Stephanie <SRoeser@manatt.com>

Cc: Kevin A. Fritz <kaf@msf-law.com>; Breed, Maxwell <MBreed@pryorcashman.com>; Dougherty, Megan <MDougherty@pryorcashman.com>; Taustine, Melissa <MTaustine@willkie.com>; Adams-Jack, Autumn <AAdams-Jack@willkie.com>; Connolly, Michaela <MConnolly@willkie.com>

Subject: RE: Subpoenas

*** EXTERNAL EMAIL ***

Kristin,

Thank you for following up—Max and I have been stretched, further so with the holiday weekend intervening. We are continuing to discuss your proposal with our clients but do see it as a helpful step forward. We would like to set up a call with you this week to make sure we are on the same page regarding, e.g., the role of the custodial interviews in this

process and to fully understand what steps we would be agreeing to follow if we pursued your approach. Are you available Thursday or Friday to that end? Thank you.

—
Daniel J. Pohlman / PRYOR CASHMAN LLP / 212.326.0823

From: Bender, Kristin <KBender@willkie.com>

Sent: Tuesday, May 27, 2025 9:31 AM

To: Pohlman, Daniel J. <dpohlman@pryorcashman.com>; Roeser, Stephanie <SRoeser@manatt.com>

Cc: Kevin A. Fritz <kaf@msf-law.com>; Breed, Maxwell <MBreed@pryorcashman.com>; Dougherty, Megan <MDougherty@pryorcashman.com>; Taustine, Melissa <MTaustine@willkie.com>; Adams-Jack, Autumn <AAdams-Jack@willkie.com>; Connolly, Michaela <MConnolly@willkie.com>

Subject: RE: Subpoenas

Hi Dan, all,

I hope you had a restful long weekend. I'm following up on the below.

Best,
Kristin

Kristin Bender

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From: Bender, Kristin <KBender@willkie.com>

Sent: Tuesday, May 20, 2025 9:00 AM

To: Pohlman, Daniel J. <dpohlman@pryorcashman.com>; Roeser, Stephanie <SRoeser@manatt.com>

Cc: Kevin A. Fritz <kaf@msf-law.com>; Breed, Maxwell <MBreed@pryorcashman.com>; Dougherty, Megan <MDougherty@pryorcashman.com>; Taustine, Melissa <MTaustine@willkie.com>; Adams-Jack, Autumn <AAdams-Jack@willkie.com>; Connolly, Michaela <MConnolly@willkie.com>

Subject: RE: Subpoenas

Hi Dan,

I hope you're well. We write to follow up regarding your proposal to conduct Ms. Case's and Ms. Koslow's document collections and review via the method outlined below.

While we agree with the custodial interview outlined below, the remainder of your proposed approach raises insurmountable concerns. We have a number of concerns about the efficacy of a manual search of emails and text messages for responsive documents, including for example: (1) the unreliability of applying search terms in searches on messaging and social media applications; (2) the potential lack of metadata contained within certain messages; and (3) complications with respect to searchability and data fields resulting from production of communications via screenshot format.

That said, we also understand that your clients consider the cost of having their devices imaged for collection as unduly burdensome, as well as maintain concerns for their privacy. To further accommodate your clients, we propose the following, while reserving all rights:

- As outlined in our April 18 email, Ms. Lively agrees to presently limit the requests to exclude Documents or Communications with Baldoni, Heath, Abel, Sarowitz, or Jones, except where such materials are otherwise responsive (such as where they include Ms. Nathan). Please note that Ms. Lively reserves her right to revisit this modification and seek the full body of party communications in the event party productions appear to be incomplete or unsatisfactory.
- Ms. Lively agrees to cover the costs of her vendor, Lighthouse eDiscovery, imaging Ms. Case's and Ms. Koslow's devices that are reasonably likely to contain responsive Documents or Communications. Ms. Lively also agrees to cover the cost of hosting this data throughout the duration of the Actions. For the avoidance of doubt, except for payment, the collections process and database will be independent from Ms. Lively, any affiliated parties, and their counsel, and only the following will have access: Ms. Case, Ms. Koslow, their counsel, and Lighthouse staff that is ethically walled from any other work performed in connection with the actions.

As to privacy, this proposal involves a far more efficient method of collection and a far less intrusive search of their devices than contemplated by manual searching, such as permitting isolation by date ranges. The collection itself will not be available in comprehensible format until uploaded to the review database after culling, meaning that except for what is uploaded to the review platform (e.g., after applying date limitations), Ms. Case's and Ms. Koslow's devices will not be accessible to anyone, including the vendor, absent further processing, and at conclusion, such information will be appropriately destroyed.

With respect to your email below, I'll note briefly that we have not suggested any wrongful alteration by Ms. Koslow or Ms. Case, but any standard alteration would reflect relevant information. Beyond that example, screenshots will also fail to comprehensively capture, for example: metadata such as text participants, time sent (where not visible on the face of the screenshot), and other data that is customarily produced by parties and third parties alike and that allows for complete processing and review by the receiving parties. As to the employment status of Ms. Case and Ms. Koslow, thank you for providing this information. We requested this information as relevant not only to understanding their current relationship with TAG and the devices or accounts available to them, but also a potential avenue to lessen the burden as to Ms. Koslow or Ms. Case to the extent TAG's counsel agreed (having been actively attending these third party conferences) that TAG would produce certain responsive material on their behalf. That proposal was met by silence and therefore no longer seems a viable option.

We trust that the above proposal will mitigate any cost burden on your clients, and further protect their privacy concerns, while ensuring collection, review, and production will proceed pursuant to appropriate discovery standards. Please let us know if you are amenable to this proposal, and we will put you in touch with Lighthouse to facilitate.

Thanks very much,
Kristin

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From: Pohlman, Daniel J. <dpohlman@pryorcashman.com>
Sent: Thursday, May 8, 2025 12:28 PM
To: Roeser, Stephanie <SRoeser@manatt.com>; Bender, Kristin <KBender@willkie.com>
Cc: Kevin A. Fritz <kaf@msf-law.com>; Breed, Maxwell <MBreed@pryorcashman.com>; Dougherty, Megan <MDougherty@pryorcashman.com>; Taustine, Melissa <MTaustine@willkie.com>; Adams-Jack, Autumn <AAdams-Jack@willkie.com>; Connolly, Michaela <MConnolly@willkie.com>
Subject: RE: Subpoenas

*** EXTERNAL EMAIL ***

Stephanie,

We thank you for the continuing dialogue and courtesy. We also appreciate your effort to provide a call summary, though the inaccuracies and insinuations, as well as the summary's tone—all presumably inadvertent—are less appreciated. For the moment, we address these high-level issues:

1. Although you expressed “concerns” regarding metadata, the only metadata that you identified that would (potentially) not be captured was limited to (i) iMessages that (ii) Ms. Koslow or Ms. Case had received (not sent), and that (iii) were sent by another iPhone, and (iv) were edited by the sender. This deeply hypothetical (and unlikely) situation does not, on its own, provide sufficient basis to subject third parties to costly and invasive device imaging and collection. Unlike certain parties here, Ms. Koslow and Ms. Case are not alleged to have edited or altered any such information. There is no basis for presuming otherwise and using that presumption as basis for overburdening subpoenaed third parties. We trust that you agree. If not, please explain.
2. As stated on the call, we can confirm that Katherine Case is a former employee of TAG and Breanna Butler Koslow continues to be a TAG employee. But you have subpoenaed them directly, so the question of what devices might be under control of TAG, as a party litigant, is irrelevant to our clients' respective responses to your subpoenas. To that end, we have proposed a reasonable, proportionate, and normative attorney-guided search and collection process and we now await your response to that proposal.
3. In terms of “timing of productions,” we have not yet reached agreement on the process or scope of our searches. You propounded plainly overly broad subpoenas on third parties. In good faith, notwithstanding the apparent defects in your subpoenas, we have met and conferred to establish necessary and appropriate limitations on your requests. After we reach agreement on the scope and nature of our review, we are glad to revert with anticipated timing. But to write yesterday that we “could not provide an answer” to your question about production timing ignores that the question was, and remains, premature (and possibly pretextual).

Please circle back to us once you have clarity on your positions. Our clients reserve all rights and waive none. Thank you

—
Daniel J. Pohlman / PRYOR CASHMAN LLP / 212.326.0823

From: Roeser, Stephanie <SRoeser@manatt.com>

Sent: Tuesday, May 6, 2025 7:51 PM

To: Pohlman, Daniel J. <dpohlman@pryorcashman.com>; Bender, Kristin <KBender@willkie.com>

Cc: Kevin A. Fritz <kaf@msf-law.com>; Breed, Maxwell <MBreed@pryorcashman.com>; Dougherty, Megan <MDougherty@pryorcashman.com>; Taustine, Melissa <MTaustine@willkie.com>; Adams-Jack, Autumn <AAdams-Jack@willkie.com>; Connolly, Michaela <MConnolly@willkie.com>

Subject: RE: Subpoenas

Hi Dan,

Thank you for the call yesterday. Below is a summary of our conferral, with a few references to outstanding items. We are available on Thursday or Friday to reconvene and share our response to your proposal. Please let us know your availability.

Thank you,
Steph

**

On our meet and confer yesterday, you agreed that Ms. Koslow and Ms. Case would produce documents responsive to Ms. Lively's requests as revised in our April 18, 2025 email (the "Narrowed Requests"), so long as we agree to your proposed collection and production methods.

Specifically, you proposed a "self-search" collection, which you represented would include a custodial interview of each client and attorney-conducted collection. The custodial interview will determine, among other things, (1) what devices (including, but not limited to, cell phones, laptops, iPads, both personal and professional) may have responsive documents; (2) what modes of communications your clients used for responsive communications (including, but not limited to, text messages, emails, messaging services such as Slack/Teams/Jabber or ephemeral messaging apps such as Signal/WhatsApp, and social media ("Messages")); and (3) whether your clients have any hard copy documents. You represented that counsel would then be directly involved in a search of all identified devices, repositories, and accounts to ensure an appropriate search is conducted. We understand that, under your proposal, Messages would be produced as screenshots.

We expressed concerns regarding a self-collection method, including that Messages collected through screenshots will not contain important metadata fields, such as date, time, revised/deleted messages, or information sufficient to identify parties in communications. We explained that because Ms. Case and Ms. Koslow were TAG employees directly involved in the Digital Campaign alleged in Ms. Lively's complaint, their documents (and their metadata) are highly relevant to Ms. Lively's claims. You confirmed that the production method would likely not inherently include such metadata, but agreed, subject to your client's signoff, that you would provide information as to date/time/identities of parties in conjunction with the production.

We asked what your basis was for proposing a self-search, rather than a forensic collection of your client's documents. You responded that your primary concerns were that (1) the expense of a forensic collection was unduly burdensome; and (2) a forensic collection raised privacy concerns for your clients who prefer not to have their phones searched. We advised that the volume of Messages might render a manual collection via screenshots more expensive than a forensic collection. We further advised that, with respect to your clients' privacy concerns, the universe subject to review is often narrower than the universe of data ultimately collected through a forensic collection. You indicated that you would be willing to confer further on process to the extent the universe of Messages is larger than you presently anticipate.

Additionally, we asked for you to confirm (1) whether Ms. Case and/or Ms. Koslow are still employees of TAG, which you agreed to confirm in writing; and (2) whether you had discussed with TAG's counsel if TAG would agree to image Ms. Case and Ms. Koslow's personal devices as part of their collection efforts to reduce your clients' burden (which we proposed on April 18). As to the latter, you indicated that you had not specifically discussed the option with TAG's counsel, but that you would do so (though you stated that certain devices may not be within TAG's control). **Please promptly confirm the employment status of Ms. Case and Ms. Koslow, and the devices that TAG claims are not in its legal possession, custody and control.**

Finally, we requested confirmation as to when you expect to begin productions. You could not provide an answer. Notwithstanding that, we agreed to consider your proposed collection and production process internally. If we do not agree to your proposal, you requested that we discuss alternative ways to reduce burden and expense for your clients.

We reserve all rights.

Stephanie Roeser
Partner

Manatt, Phelps & Phillips, LLP

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From: Pohlman, Daniel J. <dpohlman@pryorcashman.com>
Sent: Wednesday, April 30, 2025 10:43 AM
To: Roeser, Stephanie <SRoeser@manatt.com>; Bender, Kristin <KBender@willkie.com>
Cc: Kevin A. Fritz <kaf@msf-law.com>; Breed, Maxwell <MBreed@pryorcashman.com>; Dougherty, Megan <MDougherty@pryorcashman.com>; Taustine, Melissa <MTaustine@willkie.com>; Adams-Jack, Autumn <AAdams-Jack@willkie.com>
Subject: RE: Subpoenas

[EXTERNAL] Please do not reply, click links, or open attachments unless you recognize the source of this message and know the content is safe.

Thank you, Stephanie. 4:00 p.m. on Monday works for us. I will send an invite to this group.

—
Daniel J. Pohlman / PRYOR CASHMAN LLP / 212.326.0823

From: Roeser, Stephanie <SRoeser@manatt.com>
Sent: Wednesday, April 30, 2025 12:43 PM
To: Pohlman, Daniel J. <dpohlman@pryorcashman.com>; Bender, Kristin <KBender@willkie.com>
Cc: Kevin A. Fritz <kaf@msf-law.com>; Breed, Maxwell <MBreed@pryorcashman.com>; Dougherty, Megan <MDougherty@pryorcashman.com>; Taustine, Melissa <MTaustine@willkie.com>; Adams-Jack, Autumn <AAdams-Jack@willkie.com>
Subject: RE: Subpoenas

Hi Dan,

We are available on Monday (except from 1-1:30 EST) or Tuesday (12:30-4:30 EST). Please let us know what works on your end.

Thanks,
Stephanie

Stephanie Roeser
Partner

Manatt, Phelps & Phillips, LLP
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Los Angeles, CA 90067
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From: Pohlman, Daniel J. <dpohlman@pryorcashman.com>
Sent: Wednesday, April 30, 2025 8:05 AM
To: Roeser, Stephanie <SRoeser@manatt.com>; Bender, Kristin <KBender@willkie.com>
Cc: Kevin A. Fritz <kaf@msf-law.com>; Breed, Maxwell <MBreed@pryorcashman.com>; Dougherty, Megan <MDougherty@pryorcashman.com>; Taustine, Melissa <MTaustine@willkie.com>; Adams-Jack, Autumn <AAdams-Jack@willkie.com>
Subject: RE: Subpoenas

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Stephanie and all – with sincere apologies, due to circumstances outside of my control my travel plans have shifted somewhat, and I will now be on a train to Boston during the majority of the work day on Thursday – there are no overlapping windows of availability for our team.

Please let me know what time(s) would be convenient for you on Monday or Tuesday and we will do our best to accommodate.

Best,
Dan

–
Daniel J. Pohlman / PRYOR CASHMAN LLP / 212.326.0823

From: Roeser, Stephanie <SRoeser@manatt.com>
Sent: Tuesday, April 29, 2025 5:12 PM
To: Pohlman, Daniel J. <dpohlman@pryorcashman.com>; Bender, Kristin <KBender@willkie.com>
Cc: Kevin A. Fritz <kaf@msf-law.com>; Breed, Maxwell <MBreed@pryorcashman.com>; Dougherty, Megan <MDougherty@pryorcashman.com>; Taustine, Melissa <MTaustine@willkie.com>; Adams-Jack, Autumn <AAdams-Jack@willkie.com>
Subject: RE: Subpoenas

Hi Dan –

I’m going to jump in given that Kristin is travelling later this week. I am available Thursday (5/1) any time after 12:40 EST. Please let me know what time works best for your team.

Best,
Stephanie

Stephanie Roeser
Partner

Manatt, Phelps & Phillips, LLP
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From: Pohlman, Daniel J. <dpohlman@pryorcashman.com>
Sent: Tuesday, April 29, 2025 1:56 PM
To: Bender, Kristin <KBender@willkie.com>
Cc: Roeser, Stephanie <SRoeser@manatt.com>; Kevin A. Fritz <kaf@msf-law.com>; Breed, Maxwell <MBreed@pryorcashman.com>; Dougherty, Megan <MDougherty@pryorcashman.com>; Taustine, Melissa <MTaustine@willkie.com>; Adams-Jack, Autumn <AAAdams-Jack@willkie.com>
Subject: RE: Subpoenas

[EXTERNAL] Please do not reply, click links, or open attachments unless you recognize the source of this message and know the content is safe.

Hi Kristin, it's seeming like our windows do not overlap well, as a member of our team will be in depositions all day tomorrow, and then I'll be then travelling and in a deposition myself later in the week.

What does your Monday look like?

—
Daniel J. Pohlman / PRYOR CASHMAN LLP / 212.326.0823

From: Bender, Kristin <KBender@willkie.com>
Sent: Tuesday, April 29, 2025 4:02 PM
To: Pohlman, Daniel J. <dpohlman@pryorcashman.com>
Cc: Stephanie Roeser <SRoeser@manatt.com>; Kevin A. Fritz <kaf@msf-law.com>; Breed, Maxwell <MBreed@pryorcashman.com>; Dougherty, Megan <MDougherty@pryorcashman.com>; Taustine, Melissa <MTaustine@willkie.com>; Adams-Jack, Autumn <AAAdams-Jack@willkie.com>
Subject: RE: Subpoenas

Thanks Dan. I will be traveling the bulk of Thursday so that's a difficult option. Are there any other windows for you all tomorrow besides 3:30-4:30 pm est?

Kristin Bender
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kbender@willkie.com | <vCard> | www.willkie.com/bio

From: Pohlman, Daniel J. <dpohlman@pryorcashman.com>
Sent: Tuesday, April 29, 2025 3:47 PM
To: Bender, Kristin <KBender@willkie.com>
Cc: Stephanie Roeser <SRoeser@manatt.com>; Kevin A. Fritz <kaf@msf-law.com>; Breed, Maxwell <MBreed@pryorcashman.com>; Dougherty, Megan <MDougherty@pryorcashman.com>; Taustine, Melissa <MTaustine@willkie.com>; Adams-Jack, Autumn <AAdams-Jack@willkie.com>
Subject: RE: Subpoenas

*** EXTERNAL EMAIL ***

Kristin, that time does not work well on our end, but early Thursday afternoon would work well for us if you have availability then.

Best,
Dan

—
Daniel J. Pohlman / PRYOR CASHMAN LLP / 212.326.0823

From: Bender, Kristin <KBender@willkie.com>
Sent: Tuesday, April 29, 2025 11:54 AM
To: Pohlman, Daniel J. <dpohlman@pryorcashman.com>
Cc: Stephanie Roeser <SRoeser@manatt.com>; Kevin A. Fritz <kaf@msf-law.com>; Breed, Maxwell <MBreed@pryorcashman.com>; Dougherty, Megan <MDougherty@pryorcashman.com>; Taustine, Melissa <MTaustine@willkie.com>; Adams-Jack, Autumn <AAdams-Jack@willkie.com>
Subject: RE: Subpoenas

Thanks, Dan. How is 1:30 pm est tomorrow?

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1875 K Street, N.W. | Washington, DC 20006-1238
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kbender@willkie.com | <vCard> | [www.willkie.com bio](http://www.willkie.com/bio)

From: Pohlman, Daniel J. <dpohlman@pryorcashman.com>
Sent: Tuesday, April 29, 2025 11:28 AM
To: Bender, Kristin <KBender@willkie.com>
Cc: Stephanie Roeser <SRoeser@manatt.com>; Kevin A. Fritz <kaf@msf-law.com>; Breed, Maxwell <MBreed@pryorcashman.com>; Dougherty, Megan <MDougherty@pryorcashman.com>; Taustine, Melissa <MTaustine@willkie.com>; Adams-Jack, Autumn <AAdams-Jack@willkie.com>
Subject: RE: Subpoenas

*** EXTERNAL EMAIL ***

Hi Kristin, we do think it would be helpful to confer. I am tied up much of today and will be in a deposition on Friday. Do you have any availability tomorrow or Thursday?

—
Daniel J. Pohlman / PRYOR CASHMAN LLP / 212.326.0823

From: Bender, Kristin <KBender@willkie.com>
Sent: Friday, April 25, 2025 11:21 AM
To: Pohlman, Daniel J. <dpohlman@pryorcashman.com>
Cc: Stephanie Roeser <SRoeser@manatt.com>; Kevin A. Fritz <kaf@msf-law.com>; Breed, Maxwell <MBreed@pryorcashman.com>; Dougherty, Megan <MDougherty@pryorcashman.com>; Taustine, Melissa <MTaustine@willkie.com>; Adams-Jack, Autumn <AAdams-Jack@willkie.com>
Subject: RE: Subpoenas

Thanks Dan. I hope the travel went smoothly. Please let us know if it would be useful to set up a meet and confer for next week.

Best,
KB

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kbender@willkie.com | <vCard> | www.willkie.com/bio

From: Pohlman, Daniel J. <dpohlman@pryorcashman.com>
Sent: Tuesday, April 22, 2025 1:10 PM
To: Bender, Kristin <KBender@willkie.com>
Cc: Stephanie Roeser <SRoeser@manatt.com>; Kevin A. Fritz <kaf@msf-law.com>; Breed, Maxwell <MBreed@pryorcashman.com>; Dougherty, Megan <MDougherty@pryorcashman.com>; Taustine, Melissa <MTaustine@willkie.com>; Adams-Jack, Autumn <AAdams-Jack@willkie.com>
Subject: Re: Subpoenas

*** EXTERNAL EMAIL ***

Hi Kristin,

I have been traveling for depositions and our review and response has been delayed as a result.

I will be back in NYC tomorrow. We will review and respond as soon as we are able.

Best,
Dan
Sent from my iPhone

On Apr 18, 2025, at 15:25, Bender, Kristin <KBender@willkie.com> wrote:

Dan, all,

Thank you for taking the time to further meet and confer regarding Ms. Case and Ms. Koslow's subpoenas on Tuesday, April 15. We understand from that discussion that RFPs 11-13 are acceptable, that RFPs 8-9 are likely acceptable, and that our modifications as proposed on April 3 seem to be more acceptable to your clients, but that you continue to be concerned in general terms as to the burden posed as to certain of the requests. You specifically mentioned excluding Ms. Jones in connection with

the requests. You also clarified with respect to the objections raised in your clients' R&Os that your clients may not stand on confidentiality objections to avoid production, and we ask that if that is ultimately at issue, you provide notice as to the same. Further, you clarified that for objections to entity definitions (such as Objection 13), the definition will not be overly narrowly construed. We understand that to mean that references to entities in the request will not be viewed to exclude officers, directors, employees, associates, or partners, but will exclude corporate parents, subsidiaries, and affiliates. We also understand that you are more willing to produce discovery on an earlier timeframe, the narrower the requests are. Let us know if any of that does not align with your recollection or understanding.

In the interest of our continuing effort to minimize any burden on third parties, while also bearing in mind the distinction between burden and undue burden, we have proposed further modifications below. Additionally, you are likely aware that TAG is a party in the consolidated actions. To further reduce any burden to Ms. Case and/or Ms. Koslow, if Ms. Case or Ms. Koslow are currently employed by TAG, we are amenable to an agreement whereby TAG conducts a reasonable search for responsive nonprivileged Documents and Communications of the individual's personal cell phone devices in connection with party discovery. We expect that the Wayfarer Parties should be amenable to this compromise, as they have been attending the meet and confers, apparently in connection with interests associated with the subpoenas, and are obligated to conduct such a search under New York law as having custody and control over such materials. *See Smith v. Pergola 36 LLC*, 2022 WL 17832506, at *4-5 (S.D.N.Y. Dec. 21, 2022) (Liman, J.) (requiring defendant to search and produce communications from employees' personal devices); *Galvan v. Rolling Lawns, Inc.*, 2025 WL 618558, at *2 (S.D.N.Y. Feb. 26, 2025) ("[T]he Court finds that Defendants have a discovery obligation to produce all responsive ESI from the personal cell phones of . . . their current employees). Of course, we would need counsel's written agreement in connection with this request (and have added Kevin to the email chain). If TAG's counsel does not agree to do so in writing on this email chain by Tuesday (4/22), we will understand they refuse to do so.

Additional proposed modifications follow, with underlining reflecting modification as of April 3 and bolding reflecting further modifications. We have attempted to address any concern with redundancies as to party discovery while also recognizing that your clients are known to have relevant information relating to the case that will crystallize certain aspects of discovery in this case including the scope of relevant communications with individuals employed by relevant parties:

1. **Revise Definition for "Actions" with a definition for "Consolidated Action": "means and collectively refers to the following cases entitled (a) *Lively v. Wayfarer Studios LLC et al.*, U.S. District Court for the Southern District of New York (Case No. 1:24-cv-10049-LJL); and (b) *Wayfarer Studios LLC et al. v. Lively et al.*, U.S. District Court for the Southern District of New York (Case No. 1:25-cv-00449-LJL)."**
1. Request 1: Revise to "All Documents and Communications concerning Ms. Lively, Mr. Reynolds, the Lively/Reynolds Companies, or the Lively/Reynolds Family, excluding Documents and Communications with Baldoni, Heath, Sarowitz, Abel, or Jones."
2. Request 2: Revise to "All Documents and Communications concerning Baldoni, Heath, Wayfarer, or Sarowitz, excluding Documents and Communications with Baldoni, Heath, Sarowitz, Abel, or Jones."
3. Request 4: Revise to "All Documents and Communications concerning Abel, excluding Documents and Communications with Baldoni, Heath, Sarowitz, or Jones."
4. Request 5: Revise to "All Documents and Communications concerning the Film or Marketing Plan with Sony, WME, Jonesworks, TAG, Wallace, Street Relations, any media or Social Media outlet, any cast or crew member of the Film, and any party known to be or identifiable as a director, officer, employee, agent, or contractor thereof." (reflecting same modifications as of April 3)

5. Request 6: Revise to “All Documents and Communications concerning the Digital Campaign, excluding Documents and Communications with Baldoni, Heath, Sarowitz, Abel, or Jones.”
6. Request 7: Revise to “All Documents and Communications concerning the Consolidated Action, excluding Documents and Communications with Baldoni, Heath, Sarowitz, Abel, or Jones.”
7. Request 8: Revise to “All Documents and Communications concerning the Scenario Planning Document, attached as Exhibit D to the Lively Complaint, excluding Documents and Communications with Baldoni, Heath, Sarowitz, or Abel, or Jones.”
8. Request 9: Revise to “All Documents and Communications concerning any meeting related to the Scenario Planning Document, attached as Exhibit D to the Lively Complaint, excluding Documents and Communications with Baldoni, Heath, Sarowitz, Abel, or Jones.”

Please advise if these work for you. If not, we are available on Wednesday or Thursday (April 23 or 24) to meet and confer, and we ask that you please let us know a few times that work for you all. On that call, it would be productive to walk through any remaining disputed requests on a request by request basis, as well as what modifications would be acceptable, so that we can understand the continued asserted basis for each and why the proposed modifications are not sufficient.

For those of you who celebrate, wishing you a peaceful Easter.

Best,
KB

Kristin Bender
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From: Roeser, Stephanie <SRoeser@manatt.com>
Sent: Monday, April 14, 2025 8:38 PM
To: Pohlman, Daniel J. <dpohlman@pryorcashman.com>
Cc: Bender, Kristin <KBender@willkie.com>; Breed, Maxwell <MBreed@pryorcashman.com>; Dougherty, Megan <MDougherty@pryorcashman.com>; Taustine, Melissa <MTaustine@willkie.com>; Adams-Jack, Autumn <AAdams-Jack@willkie.com>
Subject: RE: Subpoenas

*** EXTERNAL EMAIL ***

Thanks, Dan. We'll circulate an invite.

Stephanie Roeser
Partner
<image001.png>

Manatt, Phelps & Phillips, LLP
2049 Century Park East
Suite 1700
Los Angeles, CA 90067
D (310) 312-4207 F (310) 914-5744
SRoeser@manatt.com

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From: Pohlman, Daniel J. <dpohlman@pryorcashman.com>

Sent: Monday, April 14, 2025 5:23 PM

To: Roeser, Stephanie <SRoeser@manatt.com>

Cc: Kristin Bender <KBender@willkie.com>; Breed, Maxwell <MBreed@pryorcashman.com>; Dougherty, Megan <MDougherty@pryorcashman.com>; Melissa Taustine <MTaustine@willkie.com>; Autumn Adams-Jack <AAdams-Jack@willkie.com>

Subject: Re: Subpoenas

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Hi Stephanie,

I'm available at 1:00 p.m. tomorrow to confer.

Sent from my iPhone

On Apr 14, 2025, at 20:19, Roeser, Stephanie <SRoeser@manatt.com> wrote:

Hi Dan,

Following up on the below. Please let us know if you are available to continue these discussions tomorrow between 12-2 EST. We can also look to Thursday (I am tied up in deposition Wednesday).

Thanks,
Stephanie

Stephanie Roeser

Partner

<image001.png>

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Los Angeles, CA 90067

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From: Bender, Kristin <KBender@willkie.com>
Sent: Thursday, April 10, 2025 12:03 PM
To: Pohlman, Daniel J. <dpohlman@pryorcashman.com>; Breed, Maxwell <MBreed@pryorcashman.com>; Dougherty, Megan <MDougherty@pryorcashman.com>
Cc: Roeser, Stephanie <SRoeser@manatt.com>; Taustine, Melissa <MTaustine@willkie.com>; Adams-Jack, Autumn <AAdams-Jack@willkie.com>
Subject: RE: Subpoenas

[EXTERNAL] Please do not reply, click links, or open attachments unless you recognize the source of this message and know the content is safe.

Thanks, Dan. How does Tuesday at 1:30-2 pm or 3-5 pm (est) work? We can also provide windows on Monday or Wednesday if needed.

-KB

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kbender@willkie.com | <vCard> | [www.willkie.com bio](http://www.willkie.com/bio)

From: Pohlman, Daniel J. <dpohlman@pryorcashman.com>
Sent: Thursday, April 10, 2025 2:56 PM
To: Bender, Kristin <KBender@willkie.com>; Breed, Maxwell <MBreed@pryorcashman.com>; Dougherty, Megan <MDougherty@pryorcashman.com>
Cc: Stephanie Roeser <SRoeser@manatt.com>; Taustine, Melissa <MTaustine@willkie.com>; Adams-Jack, Autumn <AAdams-Jack@willkie.com>
Subject: RE: Subpoenas

*** EXTERNAL EMAIL ***

Hi Kristin, apologies for the delay.

We have considered your proposed narrowing and think that it makes sense to confer regarding your proposal. I am travelling for work today/tomorrow, but have availability next week (e.g., on Tuesday) for a call.

Best,
Dan

—
Daniel J. Pohlman / PRYOR CASHMAN LLP / 212.326.0823

From: Bender, Kristin <KBender@willkie.com>
Sent: Thursday, April 10, 2025 12:12 PM
To: Pohlman, Daniel J. <dpohlman@pryorcashman.com>; Breed, Maxwell <MBreed@pryorcashman.com>; Dougherty, Megan <MDougherty@pryorcashman.com>
Cc: Stephanie Roeser <SRoeser@manatt.com>; Taustine, Melissa <MTaustine@willkie.com>; Adams-Jack, Autumn <AAdams-Jack@willkie.com>
Subject: RE: Subpoenas

Hi all,

I hope you're well. I'm writing to check in on the status of this subpoena and our proposal outlined below.

Best,
KB

Kristin Bender
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From: Bender, Kristin <KBender@willkie.com>
Sent: Thursday, April 3, 2025 7:46 PM
To: Pohlman, Daniel J. <dpohlman@pryorcashman.com>; Breed, Maxwell <MBreed@pryorcashman.com>; Dougherty, Megan <MDougherty@pryorcashman.com>
Cc: Stephanie Roeser <SRoeser@manatt.com>
Subject: RE: Subpoenas

Hi Dan, Max, Megan,

We have further considered the subpoenas issued by Ms. Lively to Ms. Case and Ms. Koslow in connection with our teleconference on March 25. We recall that you framed the conversation in terms of "why us" and "why now" as well as raised a question as to what information, at bottom, these subpoenas are intended to obtain. We did not discuss specific requests in detail, although one or more of the requests for phone records (RFPs 11-13) was identified by you as a request that could be viewed as reasonable.

I have listed below several proposed modifications to address your concerns regarding the timing of party discovery and in an attempt to further lessen any burden on Ms. Case and Ms. Koslow. Please note that with these proposed adjustments, we reserve the right to seek any documents and communications with the Wayfarer Parties (as contemplated in the initial requests) at a later point in time if not otherwise available from the parties themselves.

1. RFP 1: add limitation of "Documents and Communications with Baldoni, Heath, Sarowitz, or Abel need not be produced."
2. RFPs 2, 4: revise from "with or concerning" to "concerning"

3. RFPs 5-7: add limitation of “with Sony, WME, Jonesworks, TAG, Wallace, Street Relations, any media or Social Media outlet, any cast or crew members of the Film, and any directors, officers, employees, agents, or contractors thereof.”

Please let us know if these adjustments resolve your concerns or whether you have additional concerns. We are happy to discuss the proposed modifications and any other issue as useful.

Best,
Kristin

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kbender@willkie.com | [vCard](#) | [www.willkie.com bio](http://www.willkie.com/bio)

From: Pohlman, Daniel J. <dpohlman@pryorcashman.com>
Sent: Monday, March 17, 2025 3:48 PM
To: Bender, Kristin <KBender@willkie.com>; Breed, Maxwell <MBreed@pryorcashman.com>
Cc: Roeser, Stephanie <SRoeser@manatt.com>; Dougherty, Megan <MDougherty@pryorcashman.com>
Subject: RE: Subpoenas

*** EXTERNAL EMAIL ***

Kristin,

Please find attached responses and objections to the subpoenas directed to non-parties Katherine Case and Breanna Butler Koslow

Best,
Dan

—
Daniel J. Pohlman / PRYOR CASHMAN LLP / 212.326.0823

From: Bender, Kristin <KBender@willkie.com>
Sent: Monday, March 3, 2025 1:12 PM
To: Breed, Maxwell <MBreed@pryorcashman.com>; Pohlman, Daniel J. <dpohlman@pryorcashman.com>
Cc: Roeser, Stephanie <SRoeser@manatt.com>
Subject: RE: Subpoenas

Great, thank you Max, and likewise.

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From: Breed, Maxwell <MBreed@pryorcashman.com>
Sent: Monday, March 3, 2025 12:56 PM
To: Bender, Kristin <KBender@willkie.com>; Pohlman, Daniel J.
<dpohlman@pryorcashman.com>
Cc: Roeser, Stephanie <SRoeser@manatt.com>
Subject: RE: Subpoenas

*** EXTERNAL EMAIL ***

Kristin:

Exactly the email we were expecting today—we're happy to accept service of both subpoenas and we look forward to working with you on this matter.

Best,

Max

MAXWELL BREED

Partner

PRYOR CASHMAN LLP

7 Times Square, New York, NY 10036-6569

mbreed@pryorcashman.com

Direct Tel: 212-326-0113

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From: Bender, Kristin <KBender@willkie.com>
Sent: Monday, March 3, 2025 12:35 PM
To: Breed, Maxwell <MBreed@pryorcashman.com>; Pohlman, Daniel J.
<dpohlman@pryorcashman.com>
Cc: Roeser, Stephanie <SRoeser@manatt.com>
Subject: Subpoenas

Hi Maxwell and Daniel,

We understand from your notices of appearance on Friday, February 28, 2025, that you represent non-parties Katherine Case and Breanna Butler Koslow with respect to Lively v. Wayfarer Studios, 24-cv-10049.

Please advise whether you accept service of the attached subpoenas on behalf of Ms. Case and Ms. Koslow.

Best,
Kristin

Kristin Bender

Willkie Farr & Gallagher LLP

1875 K Street, N.W. | Washington, DC 20006-1238

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